

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|----------------------------------|---|----------------------|
| CHRISTIAN HEYNE, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | NO. 3:09-0847 |
| |) | Judge Campbell/Brown |
| THE METROPOLITAN BOARD OF PUBLIC |) | Jury Demand |
| EDUCATION, et al., |) | |
| |) | |
| Defendants. |) | |

O R D E R

A telephone conference was held with the parties in this matter on October 15, 2012. Plaintiffs' counsel advised that they were considering whether to file a petition for certiorari with United States Supreme Court. The defendants advised that they would be contending that estoppel would bar the plaintiffs' claim in view of the Tennessee Supreme Court ruling on due process. Plaintiffs' counsel advised that they were aware of this argument and were evaluating the entire case. Given the time and money already spent in this litigation the Magistrate Judge will continue the case management conference until **January 3, 2013, at 10:00 a.m.** The parties should call the Magistrate Judge's conference call number of 615/695-2851 at that time.

Should the plaintiffs make an earlier decision not to apply for certiorari, they are directed to advise the Magistrate Judge immediately so that an earlier case management conference could be scheduled.

Judge Campbell has lifted stays in this matters and the parties are not precluded from conducting further proceedings prior to the January 3, 2013, case management conference.

It is so **ORDERED**.

s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge